

**DESCENDANT
CHILDREN AND
FAMILIES**

If the tribe determines that the child is a descendent, caseworkers should consult the Tribal Agreement Manual for ICWA/MIFPA agreements with tribes that include descendant child(ren) and family service provisions (For example: Saginaw Chippewa Indian Tribe ICWA Agreement).

DHS-121a American Indian/Alaska Native Descendant Child Welfare Case Notification (Decline or Client Referral)

For families in which the MDHHS 5598/DHS-120 are returned with a response that the family is not eligible for membership, however, the family/child are recognized as descendant(s) of the tribe, the DHS-121a, American Indian/Alaska Native Descendant Child Welfare Case Notification (Client Referral) form, should be sent to the respective tribe indicating client request for tribal services along with case referral information or declined tribal services as applicable.

The DHS-121a must be scanned/logged into the MiSACWIS case record and case contacts/narrative.

If a descendant family declines tribal services at the onset of the case, caseworkers must obtain case management recommendations from the respective tribe without disclosing confidential case identifying information.

**Culturally
Appropriate
Services**

Caseworkers should consult with local Michigan tribes and urban Indian organizations regarding recommended programs for assistance and examples of protocol that have demonstrated success with state historic and descendent child case scenarios (see NAA 610, Federally Recognized Tribes Located in Michigan for other culturally appropriate services).

Federal ICWA guidelines do not apply to state historic and descendent families found in many counties, especially urban areas, unless the department has a tribal agreement authorizing service provisions. *In these cases*, courts may order culturally appropriate services, policy, and procedures for state historic and

descendent tribal clients; however, *these families are not covered by ICWA/MIFPA.*

Caseworkers may utilize the [BIA Guidelines for State Courts and Agencies for Indian Child Custody Proceedings](#) as a means of providing culturally competent services for state historic and descendent children and families.

LEGAL BASIS

Bureau of Indian Affairs (BIA) ICWA Final Rule, 25 CFR 23.

Child Protection Law, MCL 727.627.7

Indian Child Welfare Act, 25 USC 1901 et seq.

Michigan Indian Family Preservation Act, MCL 712B. 1 - 41.